



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
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NEW YORK, NY 10007-1866

MAY 15 2008

Ms. Eleanore Fox  
Officer for Border Affairs, Energy and Law Enforcement  
Office of Canadian Affairs, Room 3917  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Ms. Fox:

The Environmental Protection Agency (EPA) has reviewed the draft environmental assessment (EA) for the Ambassador Niagara Signature Bridge. The proposed project involves the construction and operation of an international bridge traversing the Black Rock Canal and the Niagara River that would link Buffalo, New York with Fort Erie, Ontario, Canada. The project would also include the construction of a five mile long four-lane divided toll road in Ontario, and toll plazas, duty-free shops, and customs inspection facilities that will service both trucks and automobiles in the United States and Canada. This EA is being submitted in support of the application for a United States Presidential Permit for facilities connecting the U.S. with a foreign country as stated in Executive Order 11423 and delegated to the Secretary of the U.S. Department of State.

While the draft EA includes much of the information that would typically be included in an Environmental Impact Statement (EIS), EPA would expect to see a more robust document should the facility receive a Presidential Permit and move forward under U.S. Coast Guard and/or other federal environmental review requirements. EPA's comments on the draft EA are as follows:

Air Quality

1. The discussion in Section 4.7, along with the results in Table 4-15 are not consistent with the information presented in Appendix K, Tables C-7 and C-8 with regard to the fine particulate matter, or  $PM_{2.5}$  National Ambient Air Quality Standards. The maximum annual and 24-hour  $PM_{2.5}$  concentrations listed in Appendix K appear to be substantially lower than those listed in Section 4.7. Additionally, Section 4.7 incorrectly lists the annual  $PM_{2.5}$  standard as 65 micrograms per cubic meter ( $\mu g/m^3$ ) and the 8-hour carbon monoxide (CO) standard as 8 parts per million (ppm), while Appendix K lists the correct values of 35  $\mu g/m^3$  and 9 ppm, respectively (we note that Table 3-19 does list the correct 8-hour CO standard). These discrepancies should be corrected in the final EA.

2. We agree with the conclusion that the Ambassador Niagara Signature Bridge project will need to be included in the Greater Buffalo-Niagara Region Transportation Council's (GBNRTC) regional emissions analysis and transportation conformity determination supporting its long range transportation plan and transportation improvement program. Though the project is not federally funded, it is regionally significant and subject to Federal Highway Administration approval to connect to the interstate highway system (e.g., Interstate 190). It is therefore subject to a regional transportation conformity analysis in accordance with 40 Code of Federal Regulations (CFR) Part 93. We strongly encourage Ambassador Niagara Signature Bridge Group (ANSBG) to coordinate with GBNRTC and the New York transportation conformity interagency consultation group to ensure the proposed project is incorporated into GBNRTC's travel demand model and included in a conformity determination in a timely manner.
3. The final EA should address air quality impacts during the project's construction phase. These impacts would be due, for example, to emissions **from** non-road and marine-based construction equipment, trucks delivering supplies and removing waste **from** the construction site, and any traffic diversions necessitated by the construction of the bridge, plaza, or ramps to Interstate 190, New York State route 198 and other roads.

In addition to dust control and suppression during construction, we recommend that ANSBG commit to adopt strategies and measures to minimize the impacts from the use of diesel-powered construction equipment. Such commitments could include: use of the cleanest available engines or retrofits of older diesel engines, an idling minimization policy, maximum use of site electrification as an alternative to diesel-powered generators, and use of cleaner alternative fuels.

4. The final EA should address impacts due to mobile source **air** toxics (MSAT). We refer ANSBG to the recent extensive report the American Association of State Highway and Transportation **Officials** conducted as part of a National Cooperative Highway Research Program (NCHRP) project and titled "Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process", March 2007, available at [http://www.trb.org/NotesDocs/25-250\\_FR.pdf](http://www.trb.org/NotesDocs/25-250_FR.pdf). The NCHRP document, commissioned by the state departments of transportation, represents current professional practices of air quality experts and identifies air quality tools and approaches that would be appropriate for various NEPA settings and project levels.

### Water Quality

Hydraulic modeling and sediment data should be included in Section 4.6.2 of the EA.

### Land Impacts

In Section 4.2.3, Parkland - both the long term and construction impacts to Squaw Island Park, Riverwalk and the Scajaquada path must be quantified. Mitigation measures should be discussed, and a mitigation plan included in the document.

### Economic Impacts

Section 4.13 should more fully discuss the loss of jobs and taxes to the City of Buffalo due to business displacement. The Section should also discuss whether the ANSBG is going to assist in the relocation of businesses, and whether a plan do so is in place. Until this impact is quantified, it may be premature to state that the bridge will have a "Major Positive Impact" in Table 4-8. — — — — —

### Energy Efficiency and Sustainability

Plaza buildings should be designed and operated to minimize energy use and should incorporate sustainable architecture where feasible. We recommend the project sponsors evaluate and, as appropriate, incorporate such features as green roofs, low-flow plumbing fixtures, permeable pavements, energy efficient windows, and high-efficiency lighting. Lighting on the bridge and highway links should also be high efficiency. Under policies of the General Services Administration (GSA), all new GSA construction projects and substantial renovations must be certified through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council. Projects are encouraged to exceed basic LEED green building certification and achieve the LEED Silver level. We also recommend that computer equipment, electronic equipment and appliances purchased for these buildings be Energy Star-labeled, when such equipment is available to meet project needs.

Additionally, EPA encourages developers of major projects to consider using recycled industrial materials. This could include the use of **coal ash in concrete**, used foundry sand to replace some aggregates, and construction and demolition debris in a variety of applications. Use of such materials can have solid waste management and greenhouse gas reduction benefits, and may provide cost savings. Additional information on this topic is available at [www.epa.gov/industrialmaterials](http://www.epa.gov/industrialmaterials).

### Environmental Impacts in Canada

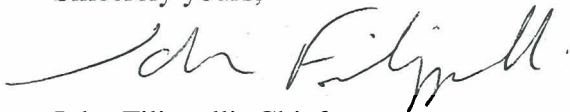
While 22 CFR 161.12 states that "Departmental officials shall analyze actions under their cognizance with due regard for the environmental effects in the global commons and areas outside the jurisdiction of any nation and in foreign jurisdictions", the EA does not evaluate the environmental or economic impacts of the project in Canada. This is of particular concern, as the avian study states

that "Extensive areas of suitable habitat for breeding, migrating, and wintering birds exist within the study area, especially west of Fort Erie along the corridor of the proposed roadway between Bridgeburg and the QEW".

Finally, it is our understanding that a franchise was given to the Buffalo and Fort Erie Authority by the Canadian government ensuring that the Peace Bridge would remain the single crossing of the Niagara River within six miles. In fact, EPA is in receipt of a letter from the Honorable Jean LaPierre, P.C., M.P. of the Minister of Transport in Canada to John Lopinsky of the Buffalo and Fort Erie Authority dated November 30, 2004 that states that "section 7 of the 1923 statute conferring the protection against construction at any point nearer than six miles from the location of the bridge of the company is still in force." As you are aware, the Ambassador Niagara Signature Bridge project is only one and a half miles away from the Peace Bridge. EPA requests that this issue be resolved before scarce agency resources are utilized for environmental review.

Thank you for the opportunity to comment. Should you have any questions concerning this letter, please contact Lingard Knutson of my staff at (212) 637-3747.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Filippelli". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

John Filippelli, Chief  
Strategic Planning and Multi-Media Programs Branch